

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4-23-08

-----X
Teachers4Action et al,

Plaintiffs

CIVIL ACTION #
08-CV-548 (VM)

- vs -

Michael Bloomberg, et al,

Defendants.
-----X

=====

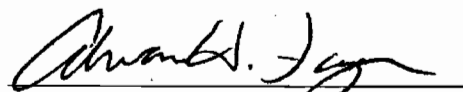
**NOTICE OF FILING OF CERTIFICATE OF COUNSEL
RELATED TO LEWENSTEIN DECLARATION OF BIAS PURSUANT TO 28 USC § 144**

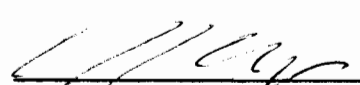
=====

Edward D. Fagan, hereby declares and says:

1. I am Plaintiffs' counsel of record in the above referenced matter.
2. In accordance with 28 USC § 144, I hereby certify that the attached April 21, 2008 Declaration of Bias by Florian Lewenstein is being submitted in good faith.
3. Plaintiffs have not consented the case being assigned Magistrate Judge Peck for trial and/or all purposes.
4. I believe the case should be assigned to a different Magistrate Judge to assist the Hon. Victor Marrero, presiding District Judge in this case, and my clients and I will be prepared to provide additional evidence, if necessary, including copies of transcripts and other evidence that is or should be part of the record to justify reassignment pursuant to 28 USC §§ 144, 455 (a) and (b) (1).
5. No prior Declaration of Bias was filed by Plaintiffs or me against Magistrate Judge Peck.

Dated: April 21, 2008


Edward D. Fagan

Request GRANTED. A hearing by the court is scheduled for 4-28-08 at 9:30 a.m. to address the matter described above by <u>plaintiffs' counsel.</u>	
SO ORDERED.	
4-22-08 DATE	 VICTOR MARRERO, U.S.D.J.